

Kerrville Ordinance Updates

Public Hearing Planning & Zoning Commission

June 20, 2019





Presentation Outline

- **Overview of Process and Findings**
- **Draft Zoning Code**
 - Overall Highlights
 - Highlights of Changes Since Joint Meeting
- **Draft Zoning Map**
- **Discussion**



Kerrville Ordinance Update: Process to Date

- Diagnostic meeting with staff
- Periodic project coordination calls
- Stakeholder Interviews – (October 15-17, 2018)
- Six meetings of Citizens Review Committee, November 2018 through June 2019
- Joint P&Z/City Council Worksession– March 19, 2019
- Community Open House – May 16, 2019

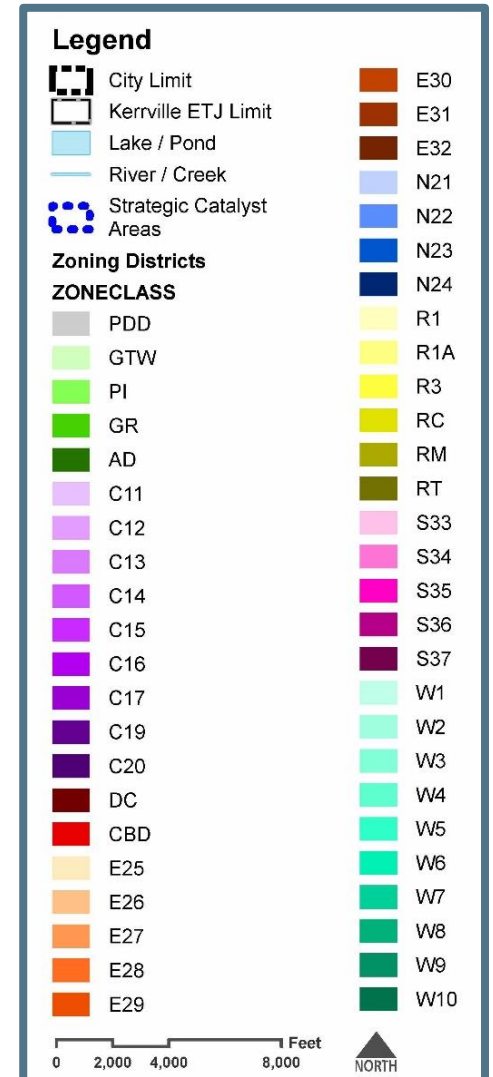


Overview of Survey/Stakeholder Interviews

- Highlights:
 - The code is cumbersome, difficult to navigate, unclear, requires too much interpretation
 - Interpretations lead to inconsistencies and a lack of confidence in the process
 - Economic development requires a predictable regulatory environment; developers are willing to comply with reasonable standards if they know the rules
 - In the new code, be reasonable, logical, don't add too many new requirements
 - Focus on health, safety, welfare, and the benefits of the proposed changes to the community

Overview of Survey/Stakeholder Interviews

- Highlights:
 - There are too many zoning districts in the Kerrville code and the districts are too similar
 - Districts should not be based on geography, but on land use character
 - Too many uses require a CUP, and the process is difficult





Project Goals

- Create a user-friendly ordinance
 - Simplify/Streamline/Clarify the code
 - Revise out-of-date standards and uses
 - Address inconsistencies
 - Minimize the need for interpretation by staff
- Minimize nonconformities resulting from a new code and zoning map (consultants have performed an analysis)
- Support the Kerrville 2050 vision (comprehensive plan anticipates uses not accommodated by existing regulations)

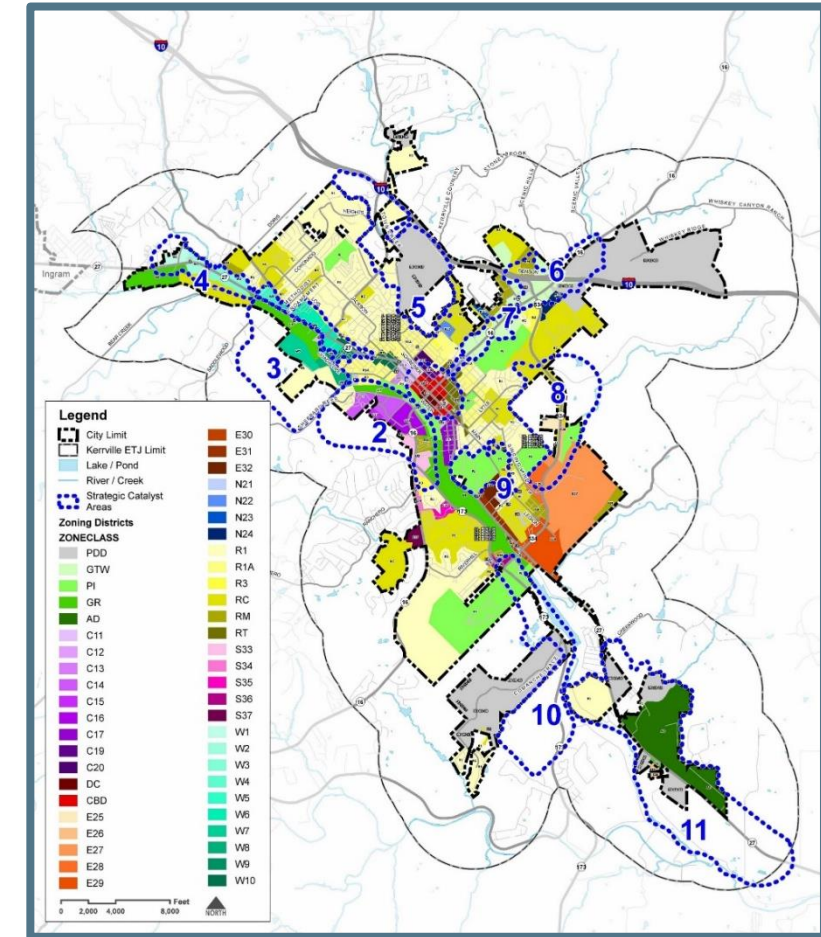
Comprehensive Plan Implementation

Issue and Implications

- Zoning should support the Kerrville 2050 Comprehensive Plan

Recommendation

- Develop new districts/revise regulations as necessary to accommodate the Kerrville 2050 vision



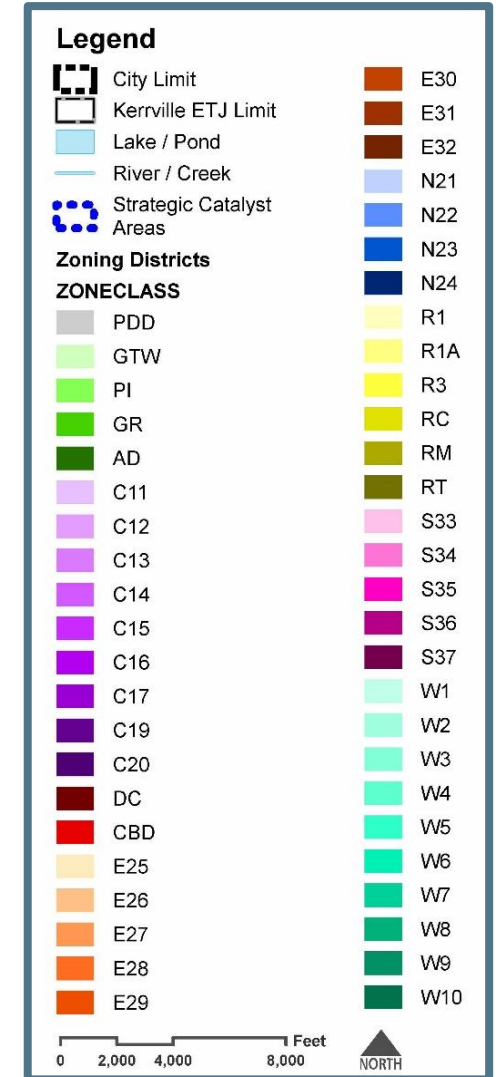
Zoning Districts

Issue and Implications

- There are too many zoning districts
- Most district names, including those with geographic references, do not indicate types of uses allowed

Recommendation

- Consolidate similar districts and eliminate any not currently being used
- Rename districts to reflect the character of uses allowed
 - Retail/Commercial
 - Industrial/Manufacturing





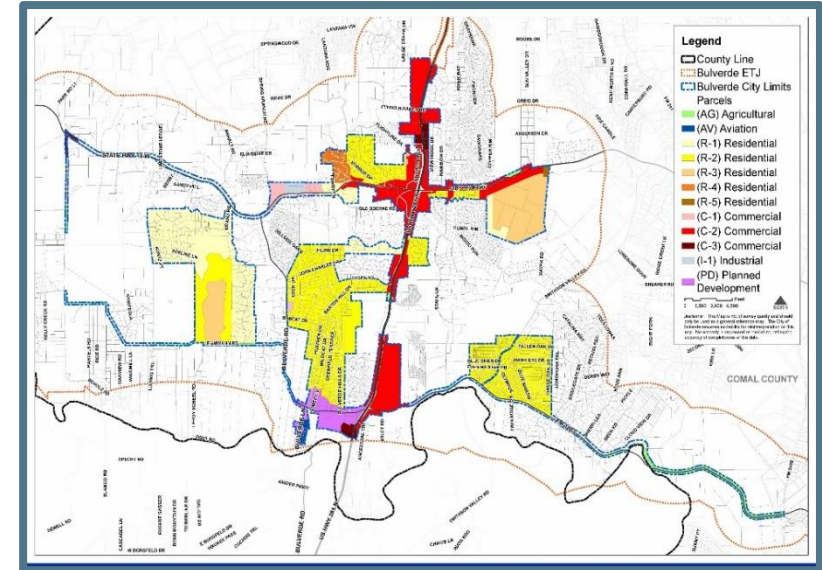
Zoning Map

Issue and Implications

- Color coding is not consistent with planning standards

Recommendation

- Utilize a color coding system based on use and consistent with planning standards





Land Use Chart

Issue and Implications

- Incomplete list of uses
- Some uses function like categories
- Too many uses require a CUP

Recommendation

- Expand and update the list of uses to minimize the need to refer to definitions or request interpretations; define all uses
- Reduce the number of CUPs; allow uses by right, where possible

Business Services I

Bail bonding agencies
Bicycle repair shops
Cablevision, radio, and television stations
Camera repair shops
Commercial art, photography, art, graphics
Employment agencies
Gunsmith and locksmith shops
Jobs and vocational training centers
Musical instrument, radio, television repair
Postal services
Taxidermy businesses (with limitations)

...

P	P			P	P	P	P	C	P	P	P	P	P	P	P	P	P	P
C			P															P
P	P	P	P	P		C	P	P	P	P		P	C	P	P	P	P	
P	P	P	P	P		C	P	P	P	C		P	C	P	C	C	P	
P	P	C	P	P		C	C	C	C	P		C		P	C	P		
		C	C	C					C							C	C	
P	C					P		C	C	P	P		P		P		P	
P	C					P							P		P		P	
P	P	C		P	P	P	P	P	P	P		P	P	P	P	P	P	
P	C			P	P			C	C				P		P		P	
P	C	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	P	C
P	P	P	P	P			P	C	P			P		C			P	
				P		C		P	C			P		P	P	P	P	
P	P	C		P	P	P	P	C	C	C		P	P	P	P	P	P	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
				C														
P	C	C																
P	P	P	P	P		C	C	P	P	P	P		P	C	P	C	P	P
P	P	P	P	P		C	C	P	P	C		P	C	P	C	C	P	

Specific Use Districts

Issue and Implications

- Specific Use District activities are not consistent with Kerrville needs desires

Recommendation

- Eliminate this section of the code and review these activities as “unlisted uses” by CUP, if requested (in any district or in specific districts; to be determined)



Draft Zoning Code

Overall Highlights



Kerrville Zoning Code Update

- Overall Approach
 - Preserve the existing code where possible
 - Add standard zoning code verbiage (administrative sections)
 - Reorganize to improve document flow
 - Expand the list of permitted uses to minimize the need for staff interpretation and add definitions for new uses
 - Develop a more comprehensive and consistent format for district regulations to minimize the need to consult multiple sections of the code to find information
 - Within the district regulations, base setbacks and height on zoning rather than on use
 - Look for options to help with the housing affordability challenge
 - Create new districts to implement the Kerrville 2050 plan



Administrative Provisions and Definitions

- Administrative provisions (Articles 11-I-1 through 11-I-4)
 - Title, Authority, Intent and Purpose
 - Conformance with the comprehensive plan and other relevant plans and ordinances (thoroughfare plan, utility plans; current code) and how to handle applications in conflict with the plan (new)
- Definitions (Article 11-I-5)
 - Basic terms and concepts
 - Each item in the Land Use Table (many new terms)



P&Z, ZBA

- P&Z and ZBA (Articles 11-I-6 and 11-I-7)
 - Standardize the content of the two sections
 - Membership, appointment, terms
 - Proposing that P&Z alternates become regular members (7 regular members; quorum is 4 members)
 - ZBA will continue as 5 members and 2 alternates, but ALL members will participate in discussion on issues; alternates will vote only in place of an absent member; 75% of members (4 of 5) must be present to hear a case (state law)
 - Duties and powers of each board
 - Organization (officers), meetings and records, Open Meetings Act, rules concerning ex parte contacts (edited)



Appeals of Administrative Decisions, Variances

- Appeal of an Administrative Decision and Variances (Article 11-I-8)
 - Process for requesting a variance to the requirements of the zoning ordinance (consistent with current code)
 - Method for appealing a city official's interpretation of the zoning ordinance (consistent with current code)



Zoning Districts

- Zoning Districts and Supplementary Requirements for Certain Uses (Articles 11-I-9 and 11-I-10)
- Zoning of newly annexed areas
 - P&Z hearing to consider zoning proposed with the request for annexation or zone to AG Agriculture (new district)
- Determination of zoning district boundaries
 - Along lot lines, street or railroad right-of-way, etc.
 - If unclear, interpretations to be made by the Director with provisions for appeal of the interpretation (mostly consistent current code)



Zoning Districts

- 65% reduction in the number of zoning districts

Current Code		Proposed Code	
49 Zoning Districts		17 Zoning Districts	
27	Geographical Districts—North, South, East, West	7	Residential Districts
11	Central/CBD/Downtown Core	4	Nonresidential Districts
6	Residential	6	Special Districts (including PD)
4	Special—Airport, Guadalupe River, Gateway, Public/Institutional		
1	PD		

Zoning Districts



Fewer districts
Standard color-coding
system





District Regulations Strategy

- Residential districts:
 - Maintained existing area regulations and height as much as possible or relaxed the standards slightly in an effort to avoid creating nonconformities
 - Included additional options for smaller lots (in the R-2 and R-M districts)
- Nonresidential districts:
 - Maintained existing area regulations and height as much as possible or relaxed the standards slightly (in an effort to avoid creating nonconformities);
 - Eliminated side and rear setback requirement unless adjacent to single-family residential
 - Height limitation adjacent to single-family
 - Area regulations and height determined by zoning district, not by use as under the existing code
- Special districts:
 - Strategy varies by district



Residential Districts

- **R-E Estate Residential:** One-acre, single-family lots (new; called for in Kerrville 2050); other area and height regulations generally match R-1
- **R-1 Single-Family Residential:** Minimum 5,000 sq. ft. lot (current code requires 6,000 sq. ft.)
- **R-1A Single-Family Residential with Accessory Dwelling Unit:** R-1 lot with apartment (accessory dwelling unit); revised to allow the accessory unit to be in the main building (current code) or in a free-standing structure (new option) with limits on the amount of rear yard the building can occupy
- **R-2 Medium Density Residential:** Replaces R-C Residential Cluster, but maintains the concept of allowing a variety of housing types under one zoning category as one means of addressing the affordable housing issue—4,500 sq. ft. and 3,300 sq. ft. lots for single-family residential, new regulations for patio homes, townhomes, duplexes
- **R-3 Multifamily:** Exclusively a multifamily district; doesn't allow single-family uses (change from current code)
- **R-M Residential Mix:** Allows all housing types in R-2 in addition to manufactured housing (consistent with current code)
- **R-T Residential Transition:** Allows residential and nonresidential uses in small buildings in the same neighborhood (consistent with current code); limits building size (maximum 3,000 sq. ft.) for buildings containing nonresidential uses (consistent with current code); churches and schools exempt (revision)



Nonresidential Districts (All new)

- **C-1 Neighborhood Commercial:** Type and intensity of uses and regulations based on most restrictive districts under existing code; increased the allowable size of individual buildings—to 5,000 sq. ft. from 3,000 sq. ft. in former Retail, Limited/Personal Services, Limited categories—and proposes limit on total building area per lot—10,000 sq. ft.; adding drive-thru windows as CUP use (example, restaurant, bank, pharmacy)
- **C-2 Light Commercial:** Allows C-1 uses plus light auto-related uses, such as parts sales, leasing, minor repair, car wash, as well as drive-thru service by right; allows total building area of up to 100,000 square feet on a single lot
- **C-3 General Commercial:** Allows C-1 and C-2 uses and adds heavier auto-related uses (dealerships and major repair, building contractor uses), car title loan/check cashing/payday lending businesses, hotel/motel, movie theater, parking lots/structures, uses involving outdoor storage (farm supply store, home improvement store, lumber yard); allows greater than 100,000 square feet of building area on a single lot
- **IM Industrial and Manufacturing:** Traditional industrial uses (manufacturing, assembly, fabrication, processing, warehousing/distribution), agricultural services, some of the heavier commercial uses (auto dealerships, major repair), additional uses involving outside storage (equipment rental, contractor's storage yard, commercial landscape nursery); specific set of business and employee support services permitted
- In general, setbacks and maximum building size requirements relaxed to allow flexibility and minimize nonconformities; added setback and height limitations to protect single-family districts adjacent to nonresidential zoning districts



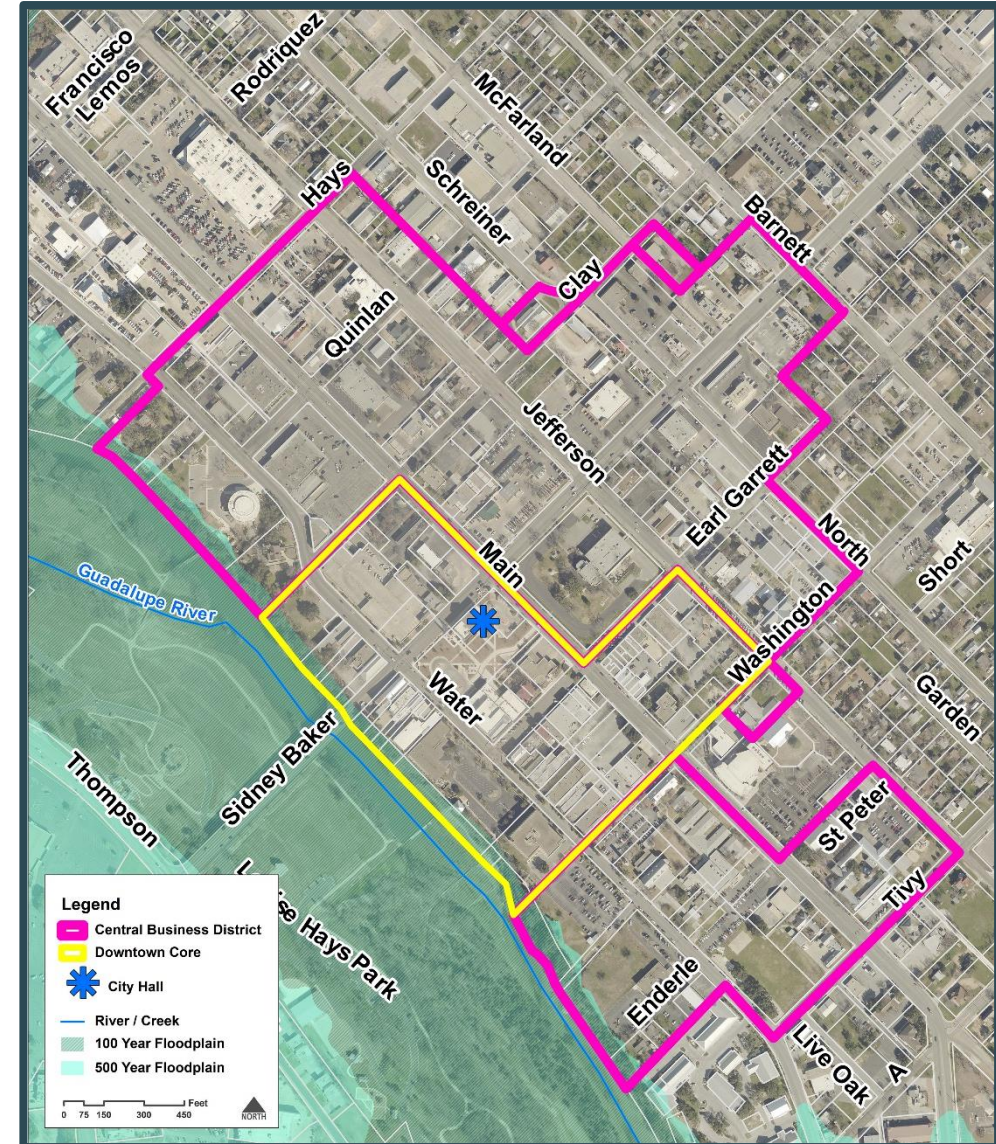
Special Districts

- Six districts
 - Downtown Arts and Culture
 - Mixed Use
 - Planned Development
 - Public and Institutional
 - Airport
 - Agriculture
- Each special district has a unique purpose and set of standards

Special Districts – DAC

- **DAC Downtown Arts and Culture**
 - Replaces references to Downtown Core, CBD (revised)

Legend





Special Districts – DAC

- **DAC Downtown Arts and Culture**
 - Emphasis on walkability and an environment supportive of arts and culture activities as envisioned in the Kerrville 2050 plan
 - Allows mix of compatible residential and nonresidential uses within the district and in individual buildings and flexible parking requirements
 - Focuses on relationship between building and street (setback maximum 10' with additional 10' setback for architectural features as opposed to minimum setback requirement)



Special Districts – MU

- **MU Mixed Use**

- New district created to support some of the Strategic Catalyst Area concepts in the Kerrville 2050 plan
- Allows mixing of residential and nonresidential uses on a single lot or in a single building
- Setbacks of 10' to 15' based on street type (25' at highway)
- Open space equal to 8% of the “footprint” of any building containing residential uses
 - Property owner to maintain open space and improvements
 - Location to be selected and improved (lighting, fencing) to allow natural surveillance for safety purposes
- Reduced parking requirement because:
 - Residents can walk to services
 - Mix of uses allows multiple needs to be satisfied with one stop



Special Districts – PD

- **PD Planned Development**

- Minimum 5 acres required for application
- Goal is to create a better, more unique development, not to avoid standard code requirements (stated in new code)
- In exchange for flexible requirements proposed by the applicant, more information is required with the application, including a concept plan
- Once the PD regulations are adopted, minor amendments to the concept plan can be approved at the staff level under certain criteria:
 - Maximum 30% increase in total building square footage, or maximum 30% increase in total residential units
 - No decrease in setbacks or parking ratios
 - No substantial change in access or circulation on/adjacent to the PD site
 - No change in permitted uses
- Major amendments go to P&Z and Council (same process as zoning change)



Special Districts – PI

- **PI Public and Institutional**

- Accommodates unique public facilities and gathering places
- Residential no longer a permitted use (exceptions: rectory/parsonage at a worship facility; dormitory at a university)
 - Note: Worship facilities and public schools permitted in all zoning districts, not only in PI; size limitations apply in some districts
- Requirements generally flexible (minimal setbacks required except adjacent to single-family; height 35' with increase allowed at 1' height:1' setback once further than 25' from single-family)
- Screening required adjacent to residential property (current code requires screening of parking for these uses in residential districts)
 - Worship facilities and public schools exempt from screening requirement
- Outdoor storage prohibited



Special Districts – AD

- **AD Airport**

- On airport property, setbacks reduced, no specific parking requirement
- For property zoned AD not on airport land
 - Uses permitted compatible with airport
 - Some industrial uses, mostly by CUP
 - Some service uses for people who work or visit at the airport (bank, convenience store, drug store, food and beverage shop)
 - Setbacks same as in IM
 - 45' height limit + FAA requirements
 - Additional height and setback restrictions and screening requirements adjacent to residential



Special Districts – AG

- **AG Agriculture**

- New district accommodating agricultural uses
- Can also serve as a holding category for newly annexed property
- Minimum lot size 5 acres
- Area and height requirements match R-1
 - Agricultural structures allowed 45' height compared to 35' for other structures



District Regulations Format

- Each district:
 - Purpose statement
 - Uses described generally with reference to the Land Use Table
 - Area and Height Regulations table (except PD, where the application proposes standards)
- May also include (varies by district):
 - Building Regulations (generally, one main building; applies in residential districts only)
 - Access limitations to certain types of streets (residential districts)
 - Allowances for encroachments into setbacks for architectural features (residential, PI) or right-of-way for pedestrian amenities (DAC)
 - Regulations for accessory buildings (up to 1,000 sq. ft., 15' height, with 5' setback in residential districts based on recent applications)
 - Provisions for outdoor storage/display (allowed in C-2, C-3, IM, AD)
 - Screening requirements adjacent to residential (all nonresidential and most special districts)

Area, Height Regulations Table

- Area and Height Regulations table
 - Lot size and dimensions
 - Front, side, rear setbacks
 - Building height (not all districts have limits)
 - Parking: In the table for residential districts; in the Parking section of the code for nonresidential uses
 - Special requirements for certain housing types
 - Accessory dwelling unit in R-1A
 - Maintenance/overhang/drainage easement on the adjacent lot for the zero setback side of a patio home

CHARACTERISTIC	REQUIREMENT
R-1	SINGLE-FAMILY DWELLING
Minimum Lot Size	5,000 square feet
Minimum Lot Width	50 feet
Minimum Front Setback	25 feet
Minimum Side Setback	<ul style="list-style-type: none"> • Interior lot: 5 feet • Corner lot, street side: 15 feet • 19 feet to a garage door or carport eave
Minimum Rear Setback	<ul style="list-style-type: none"> • 25 feet • For a garage or carport adjacent to an alley: 19 feet to a garage door or carport eave; or 6 feet if the garage or carport is built for two or more motor vehicles • Setback may be measured from the centerline of an adjacent alley
Maximum Building Height	35 feet
Minimum Parking	2 spaces per dwelling unit

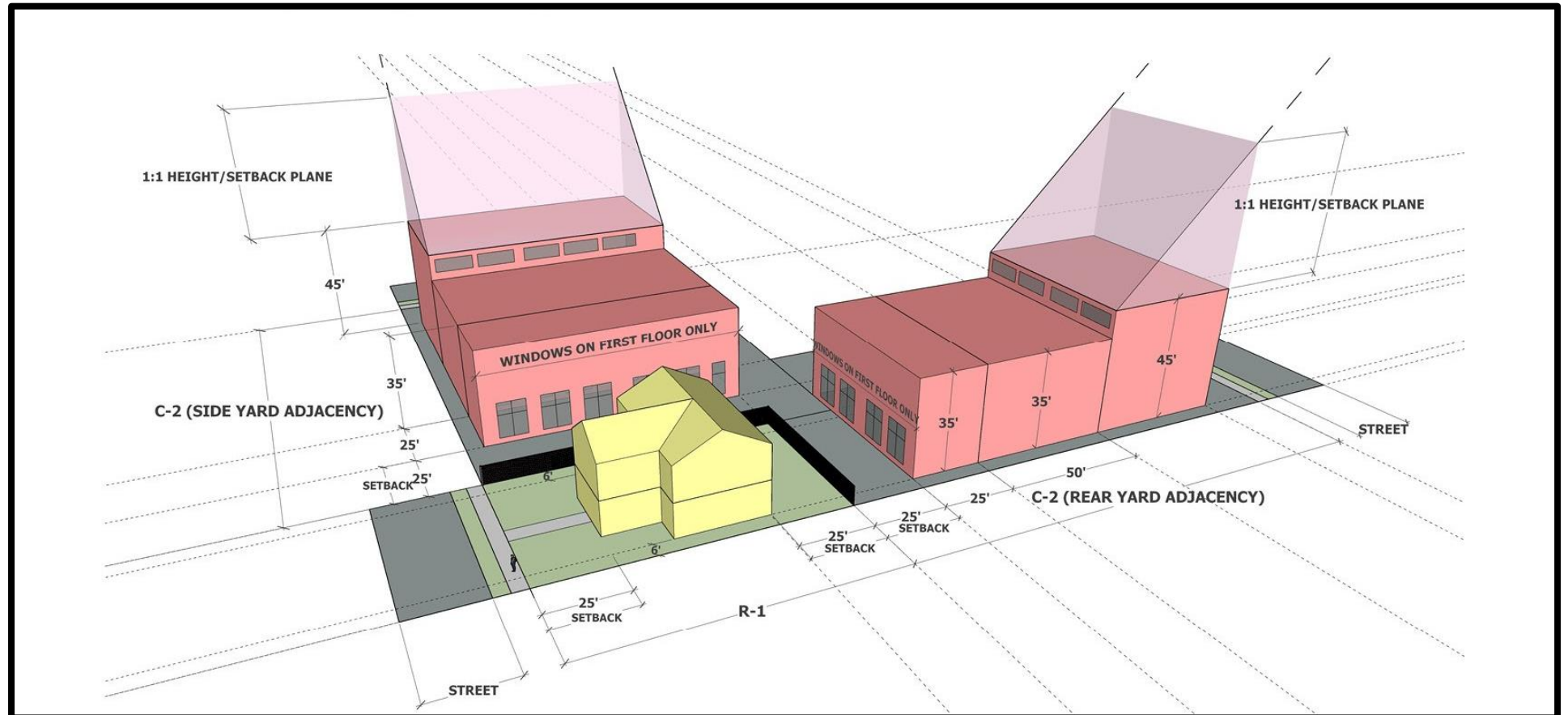


Setback/Height Adjacent to Residential

- In general, applies to Nonresidential and Special District properties adjacent to single-family residential zoning districts (new)
- “Residential”: Vacant or developed property zoned:
 - R-E, R-1, R-1A, R-2 (single-family detached, patio home, townhome, duplex)
 - R-M except manufactured housing
 - MU or PD for single-family, patio home, townhome, duplex

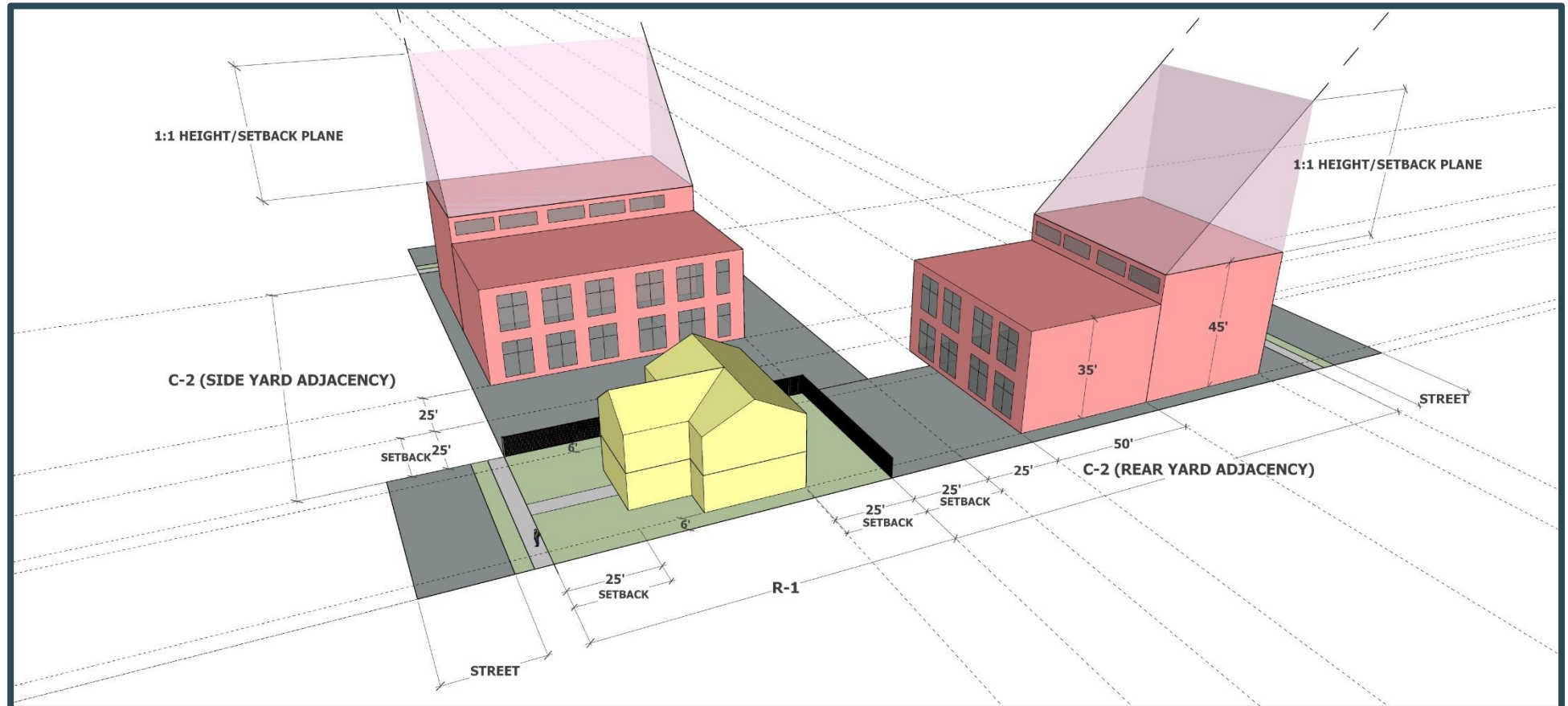
Setback/Height Adjacent to Residential

- 25' setback required between building in a nonresidential zoning district and single-family residential zoning line (can be used for parking, driveways, landscaping)
- At 25' setback line: 35' building height, windows at first floor level



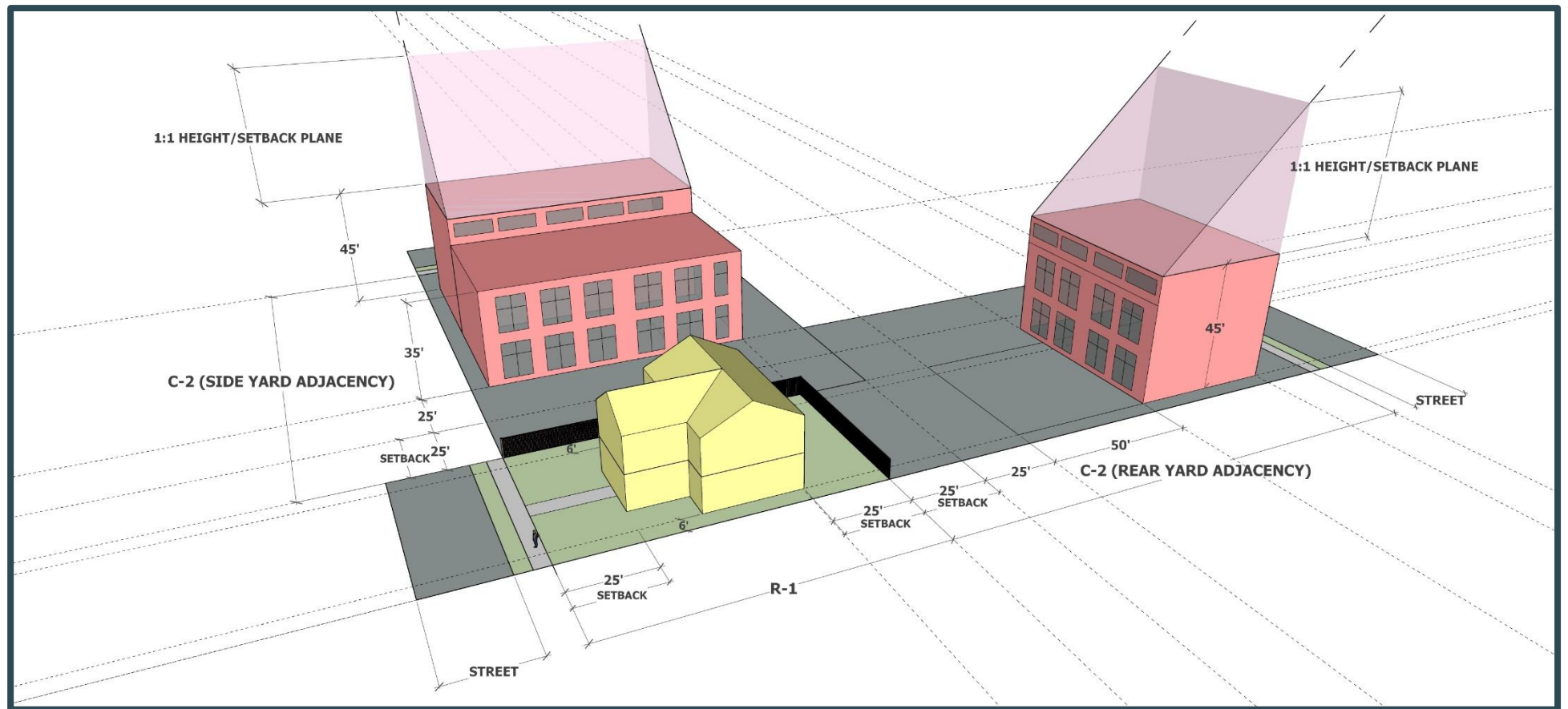
Setback/Height Adjacent to Residential

- At 50' setback line: 35' building height, no restriction on windows



Setback/Height Adjacent to Residential

- At 100' setback line: 45' building height, windows permitted
- Beyond 100' from residential, 1' of additional building setback allows 1' increase in building height (1:1)





Screening Adjacent to Residential

- Screening options:
 - Solid masonry or solid weather-resistant wood; can combine solid sections of masonry or wood fencing with sections of landscaping
 - Chain link or ornamental fencing (including decorative metal or vinyl fencing panels) with landscaping (new); no chain link with slats except in PI zoning
 - 6' to 8' in height
 - Alternate screening incorporating existing or new natural terrain or vegetation may be approved by P&Z



Outdoor Storage

- Applies to outdoor storage of materials, supplies, inventory, equipment
- Allowed in C-2, C-3, IM, AD
- Screening required adjacent to single-family zoning

Land Use Table

- Alphabetical listing of uses
- Districts divided into Residential, Nonresidential, Special District categories
- P= Permitted, C = CUP, Blank = Not Permitted, Notes (P₁) = Explanation or Reference

LAND USES	Residential Districts							Nonresidential Districts				Special Districts					Notes	
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG		
Accessory Building or Structure	P	P	P	P ₁	P	P ₁	P	P	P	P	P	C	C	P	P	P	1 Not permitted for patio homes or townhomes	
Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)																		
Agricultural Services											P				P	P		
Agriculture, General	P															P		
Airport															P			
Alcoholic Beverage Sales for Off-Premise Consumption								P	P	P		P	P					
Amateur Radio Antenna	See Ordinance 2005-11																	
Ambulance Service, Private											P	P						
Ambulatory Surgical Center								P	P	P	P			P				
Amenity Center	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂						P ₂	P ₂					2 For single-family and multifamily residential uses
Amusement Center, Indoor									P	P		P	P					
Amusement Center, Outdoor									C	P		C	P					
Antenna	See Wireless Telecommunications Facilities, Ordinance 2003-35																	
Antique Store								P	P	P		P	P					
Apartment (See Dwelling, Multifamily)																		
Appliance Repair/Sale, Used Appliances								P	P	P	P							
Appliance Store								P	P	P								
Art Studio/Gallery								P	P	P		P	P					
Artisan's/Craftsman's Workshop							P	P	P	P	P	P			P			
Assisted Living Facility					P		C	C	C	P		P	P					
Automated Teller Machine (ATM)								P	P	P	P	P	P		P			
Automobile Dealership, New Auto Sales											P	P						
Automobile Dealership, Used Auto Sales									C	P								
Automobile Parts Store									P	P								
Automobile Rental or Leasing									P	P	P							
Automobile Service and Repair, Major										P ₃	P ₃						3 Subject to requirements of Article 11-I-11(d)	
Automobile Service and Repair, Minor									P ₃	P ₃	P ₃						3 Subject to requirements of Article 11-I-11(d)	



Supplementary Requirements (Certain Uses)

- Supplementary Requirements for Certain Uses (Article 11-I-11):
 - Fuel/Gasoline Sales, Automobile Service and Repair, Car Washes (minimum distance from floodplain and Nimitz Impoundment Area to protect water supply; special setbacks for gas pumps, pump islands, air compressors, etc.)
 - Facilities with Drive-Thru or Drive-In Service (stacking space for vehicles)
 - Current code:
 - Day Care Services
 - Care Facilities, Boarding Homes, Similar Uses (in the current code as Adult Group Homes)
 - Community Gardens
 - Home Occupations (to protect surrounding residences)
 - Manufactured Homes, Manufactured/Modular Home Sales, Mobile Homes, RVs, and similar uses/structures (varies based on temporary vs. permanent use and residential or not)
 - Other, such as Wind Energy Systems, Sexually Oriented Businesses, various antennas, (refer to regulations elsewhere in the Kerrville code)



Zoning Changes, Conditional Use Permits

- Zoning Changes (Article 11-I-12) and Conditional Use Permits (Article 11-I-13)
- For both types of request:
 - Rather than including a detailed listing of application requirements, more general description plus reference to City's checklist
 - Completed application form
 - Metes and bounds description of the property
 - Description of the proposed change
 - Fee
 - Other information at varying level of detail (Example: PD, MU–concept plan; CUP–site plan)



Kerrville Zoning Code Update

- Public hearings:
 - For both zoning change and CUP request, allow a public hearing to be recessed to a specific date at the original hearing to avoid having to notify again
 - Where the P&Z recommends denial, an application proceeds to Council only if the applicant requests in writing to move forward within 10 days of the P&Z decision (new)
 - 3/4 vote of the Council required to approve in spite of a protest of 20% or more (state law; in current code for zoning change, adding to CUP)



Conditional Use Permits (CUPs)

- Zoning Change (Article 11-I-12)
 - Biggest change is in submittal requirements (less information necessary for an application)
 - Procedures for review dictated largely by state law
- Conditional Use Permits (Article 11-I-13)
 - Reducing the number of uses requiring a CUP
 - Simplifying submittal requirements
 - Omitting list of uses allowed without a CUP; addressed in the Land Use Table
 - Maintaining sections re: termination of a CUP (consistent with current code)
 - Review procedures same as for a zoning change (state law)

Land Use Table for CUPs – Current Code (Complete Table)

LAND USES	West Side										Central City										North Side					East Side								South Side							Residential						Miscellaneous			
	W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	C11	C12	C13	C14	C15	C16	C17	C18	C19	C20	N21	N22	N23	N24	N38*	E25	E26	E27	E28	E29	E30	E31	E32	S33	S34	S35	S36	S37	R-1	R-1A	R-3	RC	RM	RT	PI	GTW	GR	AD		
Agricultural - General							C																				P	P																				P		
Agricultural Service	P	C	C																						C		P	P					C													C		P		
Bed and Breakfast		P	P			P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P			P	P					P	P	P		P		P	C	C	P	C	C	P	P	P	P	P	P			
Building Construction, General	P		C			P																	P					P				P	P	C														P		
Building Construction, Specialist	P		P			P	C													P	P	C					P	P	P			P	P	C														P		
Business Services I	P	P	P	P	P	P		C	P	P	P	P		P	C	P	P	P		P	P		P	C	P	P	P	P	C	P		P	P	P	C			P	C					P	C	P				
Business Services II	P	P	P	P	P	P		C	P	P	P	C		P	C	P	C	C	P	P	P		P	C	P	P	P	C	P		C	P	P	C			C	C							C	C	P			
Cocktail Lounge	P	P	P	C	P	P		C	C	C	C	P		C		P	C	P						C	P	P	P	P		P	C	C	P			P	C									C	C	P		
Detention Facilities	C			C	C	C					C							C	C		C								C		C		C																	
Dwelling, Single Family, Detached		P	C					P		C	C	P	P		P		P		P	C			P	P				C	P	P	P	P			C				P	P	P	P	P							
Manufactured Home or Manufactured Housing		P	C						P							P							P						C	C	C	C																		
Dwelling, Multiple Family	P	P	P	C		P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	C	C	P	P	C	P		P	P	P	P	P			P			C	C	P	P	C		
Dwelling, Single Family with apartment										C	C	P	P		P		P		C									C	P	P	P	P							C	P	P	C								
Dwelling, RC District Uses (with plat)		P	C				P	P							P		P						P	P					C	P	P	P				C	P													
Education, Secondary and College	P	P			P	C	C	C		C	C			C	C	P		C	C	C	C				P	C	C	P	C	P		P	P	C			P	P					C	P	P	P	C			
Education, Primary	C	P	C	C	C	C	C	C	C	C	C	C	C	P	P	C	C	P	C	C	C	C		C	C	P	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	P	C	C	C	C				
Equipment Sales/Repair/Storage (Heavy)	P																											P	C					C														P		
Fuel Sales																				C	P				C		P	C		C	C	C	C													C		P		
Funeral Services	P	P	P	P	P	P			P	C	P			P		C			P	P			C	P			P	P	P	P	P	P	C	P				C									P	C		
Institutional and Public Use Facilities							P	C		P	C			P		P	P	P					P				P			P	P					P										P	P	P		
Life Care Development		P	P	C		P	P	P	P	C	C	C		P	P	P	P	P		P	C			P	P				P	P	P			P	P	C	P				C					P	P			
Manufacturing, Custom	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C			P	P	P	P	P	P	P	P	P	C	C	P	C							P	C	C	P	
Manufacturing and Industrial, Heavy																												P	C					C														P		
Manufacturing and Industrial, Limited	P				C															C			P	C			C	P	P	C	C	C	C	C															P	
Manufactured Housing Sales	P	P	C	C																									C	C	C	C	C	C																
Personal Services I	P	P	P	P	P	P	C	C	P	P	P	P		P	C	P	C	P	P	P	P			C	P	P	P	P	P	C	P		P	P	P	P	P	P	P	C					P	C	P	C	P	
Personal Services II	P	P	P	P	P	P	C	C	P	P	P	C		P	C	P	C	C	P	P	C			C	C	C	P	P	P	P	P		P	P	P	C			C	C					P	C	P			
Personal Services-Limited	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	C						P	P	C	P			
Professional Offices	P	P	P	P	P	P		P	P	P	P	P	C	P	C	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P						P	C	P	P	P		
Restaurant, General	P	P	P	P	P	P	C	P	P	P	P	P	P	P	C	P	P	P	P		C			C	P	P	P	P	C	P		P	P	P	P	P	P	P						P	P	P	P			
Restaurant, Limited	P	P	P	P	P	C	P	P	P	P	P	P	P	P	C	P	P	P	P	C	P			P	P	P	P	P	C	P		P	P	P	P	P	P						P	P	P	P				
Retail Trade -- I	P	P	P	P	P	P		C	P	P		C	P	C	P	C	P	P	C	P			C	P	C	P	P	P	C	P		C	C	P	C										C	C	P			
Retail Trade -- II	P		C	C	P	P					C			C	C	P					C								C		C																C			
Retail Trade -- III	P		C	C	C												P				C								C																		C			
Retail Trade -- Limited	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	C	P	C			P	P	P					P	P	P			
Tourist/Visitor & Recreation Service	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P	P	P			C	C	P	C	P	P	P	P	P	P	P	P									C	P	P	P	P			
Transportation Terminal (Bus/Aviation)												C												C				P	C		C																C		P	
Vehicle Maintenance and Repair	P				C					C	C	C		C		C	C		C		C			C				P	C		C		C	P	C											C		P		
Vehicle Sales/Service Used	P		C	C	C	C					C			C		C												C	C		C	C	C	C			C	C									C	C	P	
Vehicle Sales/Service -- New	P		C	C	C	C			C	P			C		P	C					P						C	P	P	P	C	P	C			C	C								P	C	P			
Warehousing & Distribution	C		C		C																							P	C		C		C	C															P	

Land Use Table for CUPs – Draft Code (Excerpt)

LAND USES	Residential Districts							Nonresidential Districts				Special Districts					Notes	
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG		
Accessory Building or Structure	P	P	P	P ₁	P	P ₁	P	P	P	P	P	C	C	P	P	P	1 Not permitted for patio homes or townhomes	
Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)																		
Agricultural Services											P				P	P		
Agriculture, General	P															P		
Airport															P			
Alcoholic Beverage Sales for Off-Premise Consumption								P	P	P		P	P					
Amateur Radio Antenna	See Ordinance 2005-11																	
Ambulance Service, Private										P	P							
Ambulatory Surgical Center								P	P	P	P			P				
Amenity Center	P ₂	P ₂	P ₂	P ₂	P ₂	P ₂						P ₂	P ₂				2 For single-family and multifamily residential uses	
Amusement Center, Indoor									P	P		P	P					
Amusement Center, Outdoor									C	P		C	P					
Antenna	See Wireless Telecommunications Facilities, Ordinance 2003-35																	
Antique Store								P	P	P		P	P					
Apartment (See Dwelling, Multifamily)								P	P	P	P							
Appliance Repair/Sale, Used Appliances								P	P	P	P							
Appliance Store								P	P	P								
Art Studio/Gallery								P	P	P	P	P	P					
Artisan's/Craftsman's Workshop							P	P	P	P	P	P	P			P		
Assisted Living Facility					P		C	C	C	P		P	P					
Automated Teller Machine (ATM)								P	P	P	P	P	P			P		
Automobile Dealership, New Auto Sales											P	P						
Automobile Dealership, Used Auto Sales									C	P								
Automobile Parts Store									P	P								
Automobile Rental or Leasing									P	P	P							
Automobile Service and Repair, Major										P ₃	P ₃						3 Subject to requirements of Article 11-I-11(d)	
Automobile Service and Repair, Minor									P ₃	P ₃	P ₃							3 Subject to requirements of Article 11-I-11(d)



Special Use District

- Special Use District
 - Eliminated based on discussion with CRC (those uses, often noxious in nature, will be considered as Conditional Uses, if requested)



Parking

- Parking (Article 11-I-14)
 - Approach
 - Update requirements as needed to reflect current practices
 - Fill in gaps based on new list of uses and clarify where necessary for existing uses
 - Provide specific ratios for activities with unique parking characteristics
 - (In response to Kerrville 2050 desires, bicycle parking to be addressed in the Downtown and River Corridor overlay guidelines)

Parking Standards: Examples/Approach

TABLE 2. SCHEDULE OF REQUIRED OFF-STREET PARKING (EXCERPT)

PARKING STANDARD	GENERAL USE DESCRIPTION	PROPOSED REQUIREMENT	CURRENT CODE REQUIREMENT
NONRESIDENTIAL USES			
4	Automobile Service and Repair Facility (See also Car Washes)	Three (3) spaces <u>per service/repair bay</u> , plus required parking for the office use (see Office, General in this table); spaces in the service/repair bays shall not count towards meeting the required parking	No change
5	Bank or Financial Institution	One (1) space <u>per 300 square feet</u> of gross floor area	No ratio in the current code for this specific use; proposed ratio same as for Office, General
7	Car Wash, <u>Full-Service</u>	Five (5) parking spaces, plus two (2) stacking spaces for each car wash bay (in addition to the spaces in the wash bays)	No ratio in the current code for this specific use
8	Car Wash, <u>Self-Service</u>	Two (2) parking spaces, plus one (1) stacking space for each car wash bay (in addition to the spaces in the wash bays)	No ratio in the current code for this specific use
9	Church/Temple/Mosque/Place of Worship	One (1) space <u>per four (4) seats</u> in the sanctuary, plus parking for office, meeting rooms, classrooms, and common areas (see applicable parking standards in this table)	No change

Parking Standards:

TABLE 2. SCHEDULE OF REQUIRED OFF-STREET PARKING (EXCERPT)

PARKING STANDARD	GENERAL USE DESCRIPTION	PROPOSED REQUIREMENT	CURRENT CODE REQUIREMENT
5	Bank or Financial Institution	One (1) space per 300 square feet of gross floor area	No ratio in the current code for this specific use; proposed ratio same as for Office, General
24	Office, General (Business or Professional)	One (1) space per 300 square feet of gross floor area	No change
37	Veterinary Services	One (1) space per 300 square feet of gross floor area	One (1) space per 150 square feet of gross floor area (current code requires same parking ratio for veterinary services as for medical office)
25	Office, Medical	One (1) space per 200 square feet of gross floor area	One (1) space per 150 square feet of gross floor area
28	Retail, Small and Medium Stores and Centers of up to 100,000 square feet	One (1) space per 300 square feet of gross floor area excluding non-public areas such as restrooms, offices, storage	One (1) space per 250 square feet One (1) space per 750 square feet for non-public areas such as restrooms, offices, storage
29	Retail, Large Items (Furniture Store, Appliance Sales or similar)	One (1) space per 400 square feet	No change
41	Multifamily (Apartment, Condominium)	1.5 spaces for 1-bedroom unit, 2.0 for 2-bedroom, 2.5 for 3+ bedrooms Eliminated parking for office Added requirement for separate parking for boats, trailers, etc. not applicable to minimum requirement)	Two (2) spaces per dwelling unit plus space required for the office use



Nonconformities

- Nonconforming Lots, Structures, Uses, Site Elements
 - ***Nonconforming***: A lot, structure, use, or site element that existed or operated legally until a new code was adopted (Note: Zoning Code is not applicable to signs)
 - A nonconforming use can continue to exist/operate after adoption of the new code (“grandfathered in”) as long as it is not expanded or enlarged
 - Cannot increase area within a building, or the size of a building, and cannot expand into/construct another building to accommodate a nonconforming use
 - Cannot increase the number of residential units, number of nonconforming uses or units, seating capacity or storage/loading/parking area to accommodate a nonconforming use



Nonconformities

- Nonconforming use can change to another nonconforming use of the same or a more restrictive zoning category, but cannot revert to its previous status once converted to a conforming or more restrictive use
- A use abandoned for six months or more is no longer considered legally nonconforming; criteria for “abandonment”:
 - Actual discontinuance of the use
 - No usage of water, sewer service, electricity, etc.
 - No marketing of the property for sale or lease



Nonconformities

- Nonconforming use/structure can be reinstated/rebuilt if:
 - Discontinued/Destroyed due to fire, flood, explosion, windstorm, earthquake, war, riot, or other calamity (even up to 100% destruction; revised since Joint Meeting)
 - Reconstruction is initiated within 6 months of the event and reconstruction does not create a greater nonconformity than existed prior to the damage



Nonconformities

- A nonconforming structure or site element can be repaired to keep it safe, parking lot can be maintained, landscape materials can be replaced; building permit may be required
- Reference state law for property that becomes nonconforming as a result of annexation (new since Joint Meeting)
- ZBA authorized to hear and decide appeals (new since Joint Meeting) to:
 - Allow reinstatement of a nonconforming use
 - Allow expansion of a nonconforming use
 - Allow expansion of a nonconforming structure or site element
 - Determine whether rights to a nonconforming use, structure, or site element have terminated



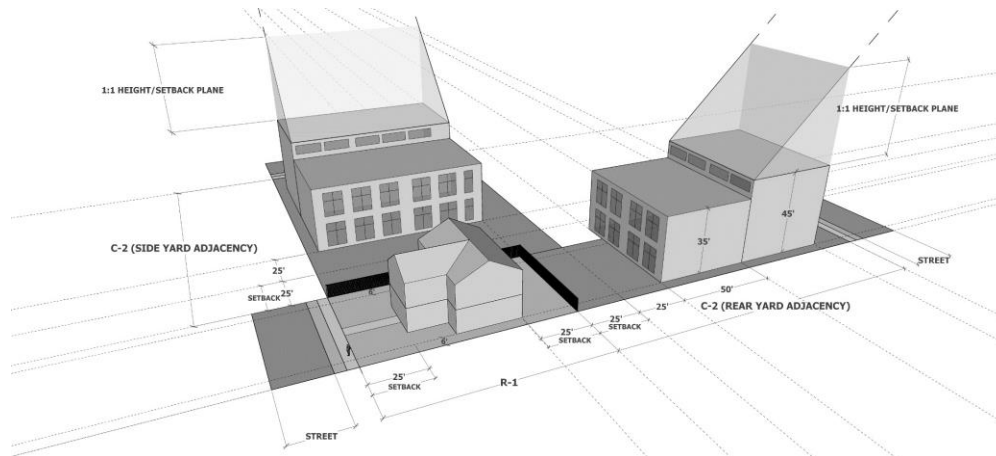
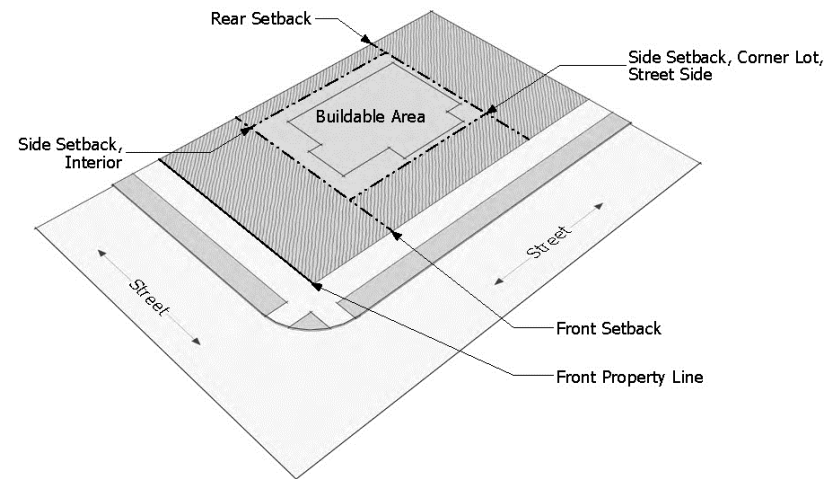
Administrative Provisions

- Administrative Provisions (Articles 11-I-16 through 11-I-20)
 - Permits, certificates of occupancy
 - Responsibility for enforcement, penalty for violations
 - Rights in pending litigation/Violations under existing code
 - Validity/Severability/Effective Date



Appendix – Figures

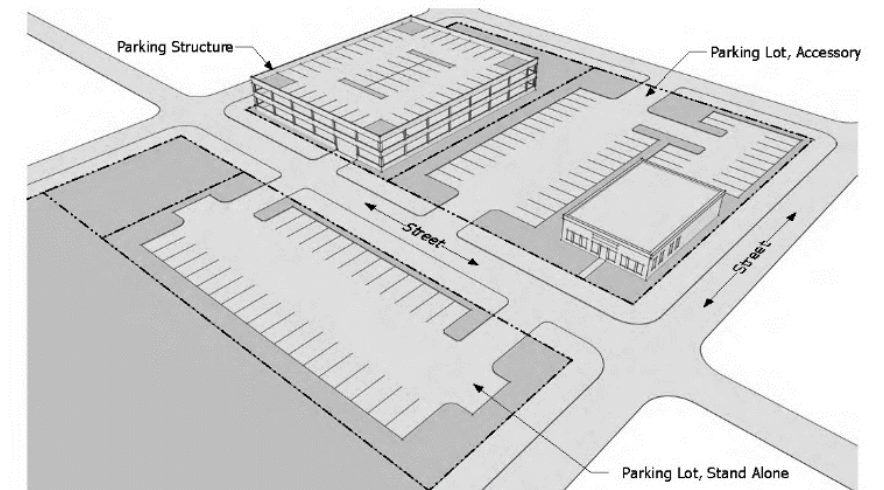
Building Setbacks



Residential Building Height



Parking



Draft Zoning Code

Highlights of Other Changes Since Joint Meeting



Care Facilities

- Define various uses
 - Assisted Living Facility (Texas Health and Safety Code ([TX HSC])
 - Boarding Home Facility (TX HSC)
 - Community Home for Persons with Disabilities* (Texas Human Resources Code)
 - Group Medical Care Facility
 - Guidance Services
 - Life Care Development
 - Nursing/Convalescent Home (TX HSC)
 - Personal Care Facility
 - Residential Care Services
 - Special Care Facility (TX HSC)

Care Facilities

- Assign uses to zoning districts

LAND USES	Residential Districts							Nonresidential Districts				Special Districts				
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG
Assisted Living Facility					P		C	C	C	P		P	P			
Boarding Home Facility	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅	P ₅			
Group Medical Care Facility					P		C	C	C	P		P	P			
Guidance Services					P		C	C	C	P		P	P			
Life Care Development					P		C	C	C	P		P	P			
Nursing/Convalescent Home					P		C	C	C	P		P	P			
Personal Care Facility	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅	P ₅			
Residential Care Services	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅	P ₅		P ₅	P ₅			
Special Care Facility					P ₅		C	C	C	P		P	P			

P₅ notation refers to Supplemental Requirements and Chapter 30



Small Lot SF Detached

- Added smaller lots as an option for the R-2 and R-M districts (3,300 sq. ft. lots with alleys, 4,500 sq. ft. lots without alleys)
- Consultants performed an analysis on the impact of the alley requirement (\$1,800/lot) and discussed with CRC



Other Miscellaneous Changes

- Regulations for accessory buildings
 - 5' setback for buildings up to 1,000 sq. ft. in size, 15' in height, with 5' setback in residential districts based on recent applications
- Parking to be allowed in easements, right-of-way unless expressly prohibited
 - Owner of parking spaces responsible for repairs if construction is required within easement area



Traffic Impact Analysis

- Clarification: New requirement for a TIA on the zoning application checklist when:
 - Proposed development will generate 1,000 or more net new vehicle trips* per day
 - Proposed development will generate 150 or more net new vehicle trips during the AM or PM peak hour
- * Net New Trips: The number of trips that will be added to the roadway system by the new development, minus the number of trips per day* that will be eliminated from the roadway system because of the removal of the existing development; calculation of trips generated based on accepted industry standards



Draft Code Alignment - Project Goals

- Create a user-friendly ordinance
 - Simplify/Streamline/Clarify the code
 - Number of zoning districts reduced from 49 to 17 (65% reduction)
 - Standard format for zoning district regulations for ease of use
- Revise out-of-date standards and uses
 - Numerous new uses added and Land Use Table expanded
 - Number of uses requiring CUP reduced
 - Setback and height based on zoning district, not use classification
 - Standards for parking, drive-thru facilities updated
 - Special Use District eliminated



Draft Code Alignment - Project Goals

- Create a user-friendly ordinance (continued)
 - Address inconsistencies; Minimize the need for interpretation by staff
 - Definition section greatly expanded (including definitions for basic terms and all uses)
 - Requirements added where missing
- Minimize nonconformities resulting from a new code and zoning map
 - For Residential, Commercial, Industrial, and Airport districts, existing area and height regulations maintained as much as possible or relaxed slightly in an effort to avoid creating nonconformities
 - Side and rear setback requirement eliminated unless adjacent to single-family residential zoning



Draft Code Alignment - Project Goals

- Support the Kerrville 2050 vision (anticipates development types not accommodated by existing regulations)
 - New MU Mixed Use district created to facilitate development in certain Catalyst Areas
 - Standards revised for the Downtown district to emphasize arts and culture
 - Additional residential options developed and existing regulations modified to acknowledge affordable housing challenge
 - Distance/Separation requirements added for uses involving motor vehicles/motor vehicle fuels to protect Nimitz Lake as a water source
 - Plans are to develop overlay guidelines for Downtown and the River Corridor in the next phase of the project

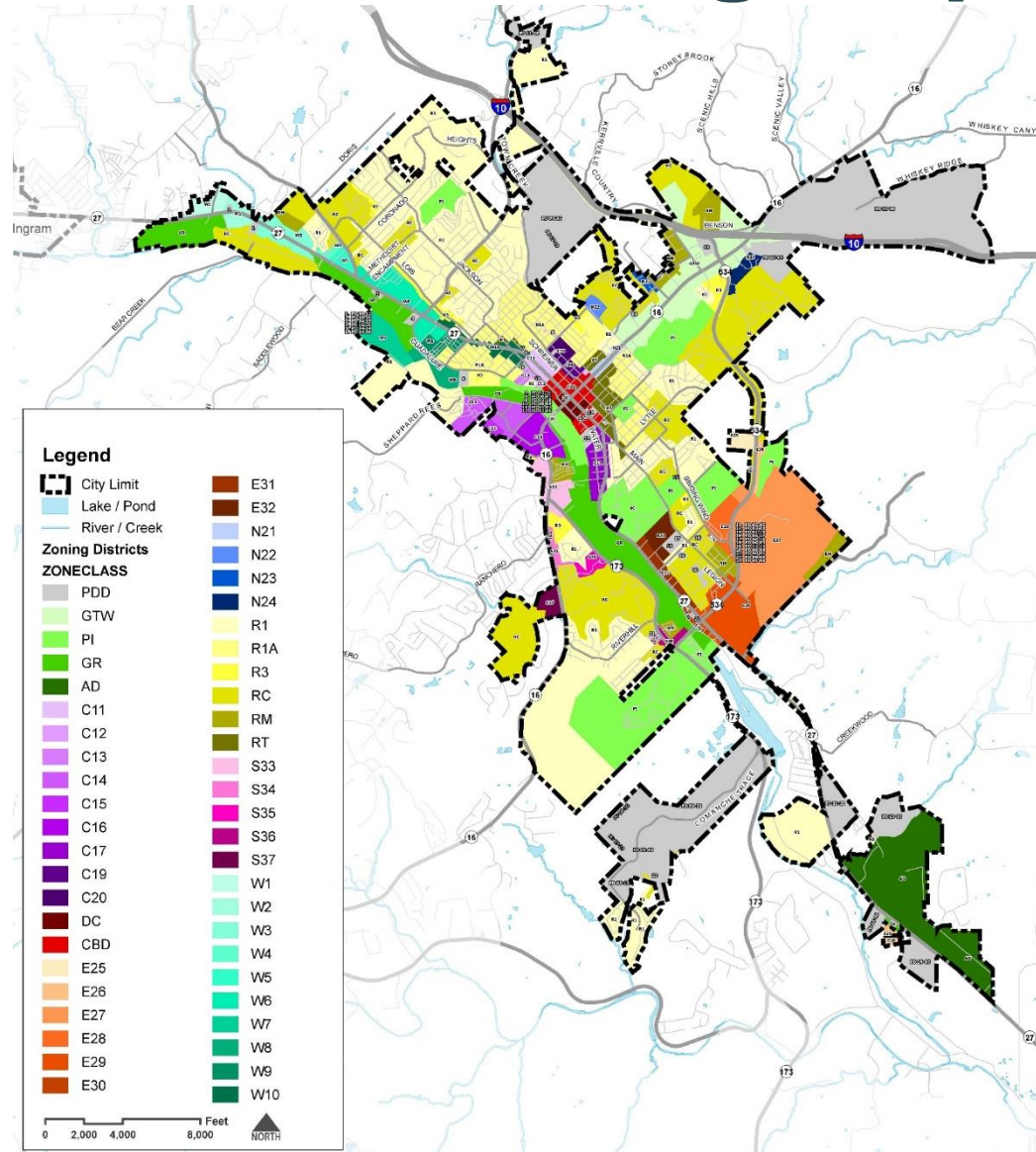
Draft Zoning Map



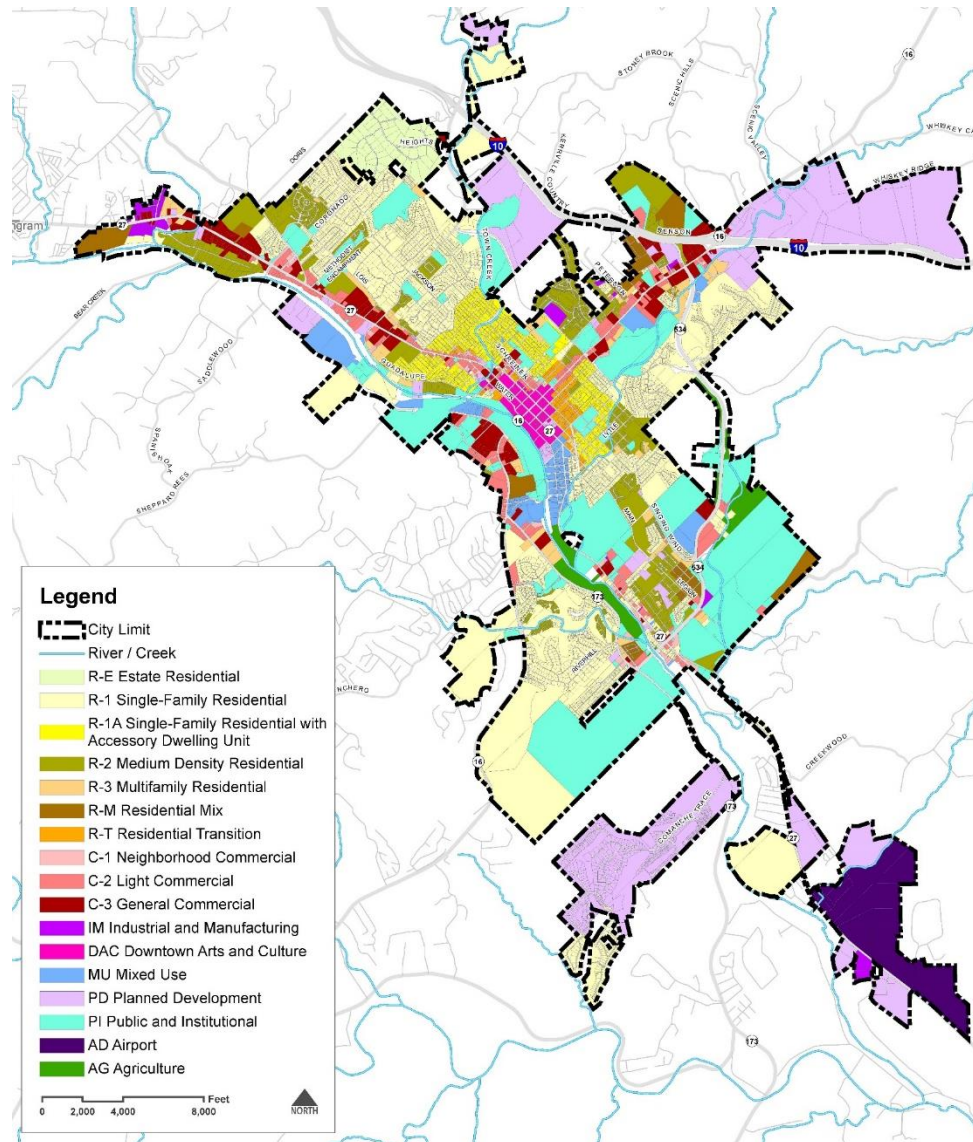
Draft Zoning Map (Approach)

- Existing residential zoning districts were converted to the proposed residential zoning districts most in alignment with their current zoning
- Future non residential zoning districts were based on existing land use
 - This reduced the amount of existing nonconformities
 - New nonconformities that arose were primarily parcels inside of the Future Investment Areas identified by the community during the Kerrville 2050 comprehensive planning process

Current Zoning Map



Proposed Zoning Map





Summary - Nonconformities

- Proposed Future Zoning*
 - Not Permitted and Likely Not Permitted: 40
 - 34 (85%) within Strategic Catalyst Areas
 - 6 (15%) outside Strategic Catalyst Areas
- Existing Zoning*
 - Not Permitted and Likely Not Permitted: 157

*CBD and DAC parcels excluded from analysis

Kerrville Ordinance Updates

Public Hearing Planning & Zoning Commission

June 20, 2019

